REMARKS/ARGUMENTS

In view of the amendments and remarks herein, favorable reconsideration and allowance of this application are respectfully requested. By this Amendment, claims 1-5 have been renumbered 14-18, claim 14 has been amended, and claim 19 has been added. Thus, claims 14-19 are pending for further examination.

Claims 14-18 remain rejected under 35 USC 103(a) as being obvious over Kaplan (U.S. Patent No. 5,963,916) in view of Doerr (U.S. Patent No. 5,949,411). For at least the following reasons, Applicant respectfully submits that amended independent claim 14 is not rendered obvious by the cited references. Claims 15-19 are allowable at least by virtue of their dependence from allowable amended independent claim 14.

Applicant respectfully submits that Kaplan and Doerr are inapposite to the present invention. Applicant notes that the present invention relates to a jukebox system generally found in cafes or pubs connected to a monitor that displays video images or video clips. Payment of an appropriate fee, followed by one or more pre-selections, activates the system so that the desired audiovisual reproduction can begin. As such, the present invention puts the jukebox user into a fee-based environment, where the user is required not just to "pay for plays," but to pay for *full* plays *on a jukebox.*

Both Kaplan and Doerr, however, are directed to free previews of instances of media on kiosks and/or through web applications. The purpose of Kaplan and Doerr is to convince users to purchase full instances of media to be used *elsewhere* after hearing samples. Kaplan enables a user "to preview a *portion* of a pre-recorded music product"

(col. 4, lines 24-26). Kaplan repeatedly refers to previews for and previewing of *portions* of music. Doerr explicitly teaches that it is preferable to display an instance of media "for a predetermined period of time ranging from about 30 seconds up to about 2 minutes" (col. 5, lines 61-63).

Indeed, the objects of Kaplan are to provide a "listening booth" where consumers are "offered the ability to preview music before purchasing selects at record stores" and to take the "'guess-work' out of music buying by allowing for more informed purchasing decisions. . ." (col. 3, lines 60-67). Doerr similarly notes that it is "[e]specially desirable [to] . . . enable[e] motion pictures to be previewed at remote locations and in a way that enables the user to select the films to be previewed and further provides a choice of other information relating to the film" (col. 2, lines 17-21). All of Kaplan's and Doerr's respective claims are limited to systems and methods for *previewing* instances of media on a kiosk, not to purchasing full instances of media for play on a jukebox.

Moreover, even assuming full instances of media are purchased after hearing samples through the systems of Kaplan or Doerr, such instances must be played elsewhere. Thus, Applicant respectfully submits that the application of Kaplan and Doerr to the present invention is misplaced.

Even if the application of Kaplan and Doerr were appropriate, Applicant respectfully submits that their combination still would not render the claimed invention obvious. Amended independent claim 14 recites a jukebox that plays digitized media "in response to requests by a user and receipt of a fee from the user." The Office Action

admits that "Kaplan fails to clearly teach that the musical kiosk plays a selected song responsive to a fee collection" (page 4), and introduces Doerr to overcome this deficiency. Specifically, the Office Action cites to one paragraph in Doerr's Description of Prior Art (col. 1, lines 35-41) that notes in one sentence that "proposals have been made . . . to enable remote programming of jukeboxes."

Whatever this one sentence might mean, Doerr does not clearly teach or suggest that kiosks can be combined with jukeboxes, nor does it even imply that jukeboxes are fee-based. The Office Action's assertion that "a jukebox plays songs responsive to fee collection" is not supported by anything in Doerr, nor is Official Notice taken of this purported "feature," allegedly inherent to jukeboxes. To the contrary, many residential jukeboxes require no fee collection at all. The claimed jukebox systems, however, require fee collection.

There simply is not enough in Doerr to suggest that it teaches fee collection, nor is there motivation for combining Kaplan and Doerr. Indeed, the paragraph as a whole relates to manually changing music selections, and does not teach or suggest fee collection. The terms "fee," "pay," "payment," and variants thereon do not appear in this sentence or paragraph, nor do they appear *anywhere* in Doerr. Thus, Applicant respectfully submits that the combination of Kaplan and Doerr fails to disclose a jukebox that plays digitized media "in response to requests by a user and receipt of a fee from the user" as required by amended independent claim 14.

Furthermore, neither Kaplan nor Doerr teach or suggest a jukebox where a "selected song is queued for playing on the jukebox device." Kaplan enables a user to preview a plurality of different pre-recorded products, and aims to provide consumer exposure to artist's works (col. 2, line 60 to col. 3, line 5). Through the kiosk, the potential consumer, as a kiosk subscriber, is exposed to potential purchases by being offered the ability to preview music before purchasing selections *at record stores*. Although a user may be able to access full-motion videos and reviews, Kaplan teaches that a subscriber who "touches the desired song at the desired location of the touchscreen 20 and through the headphones 40 listens to a 30 second clip" only (col. 7, lines 38-42). Thus, Kaplan teaches away from queuing up and playing a complete song, as the consumer only has access to samples of music or of video.

Similarly, Doerr relates to a system and method for previewing movies, music, or videos (col. 2, lines 26-37). Doerr teaches a system and method for disseminating and collecting information – i.e. for sampling and previewing music, videos, and special events. Doerr explicitly teaches away from queuing up and playing a complete song, as the consumer only has access to samples of music or of video "for a predetermined period of time ranging from about 30 seconds up to about 2 minutes" (col. 5, lines 61-63).

Queuing and playing complete songs are essential functions of a jukebox. Claim 14 of the present invention recites a "local database of digitized *complete* songs of various artists" where the "selected song is queued for playing *on the jukebox device*."

Thus, *complete* instances of digitized songs are queued-up on, paid-for through, and played on jukeboxes. As such, Applicant respectfully submits that amended independent claim 14 is not rendered obvious by the prior art of record.

Applicant respectfully submits that dependent claims 15-19 are allowable at least by virtue of their dependence from allowable amended independent claim 14.

For at least the foregoing reasons, Applicant respectfully submits that the invention defined by the amended claims herein is not taught or suggested by the prior art of record. Thus, withdrawal of the rejections and allowance of this application are earnestly solicited.

Respectfully submitted,

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